



General Assembly

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Fifty-ninth session

Third Committee

Agenda item 101

Promotion and protection of the rights of children

Algeria, Bahrain, Bangladesh, Belize, Brunei Darussalam, Cuba, Egypt, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mali, Morocco, Namibia, Niger, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, South Africa, Sudan, Tunisia, United Arab Emirates, Yemen, Zimbabwe and Palestine:* draft resolution

The situation of and assistance to Palestinian children

The General Assembly,

Recalling the Convention on the Rights of the Child,¹

Bearing in mind the conclusion by the International Court of Justice, in its advisory opinion of 9 July 2004,² that the Convention on the Rights of the Child is applicable within the Occupied Palestinian Territory,

Recalling the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, adopted by the World Summit for Children, held in New York on 29 and 30 September 1990,³

Recalling also the Declaration and Plan of Action adopted by the General Assembly at its twenty-seventh special session,⁴

Recalling further the relevant provisions of the International Covenant on Economic, Social and Cultural Rights,⁵

Noting with grave concern that the Palestinian children under Israeli occupation remain deprived of many basic rights under the Convention,

* In accordance with General Assembly resolution 52/250.

¹ Resolution 44/25, annex.

² See A/ES-10/273 and Corr.1.

³ A/45/625, annex.

⁴ See resolution S-27/2, annex.

⁵ See resolution 2200 A (XXI), annex.



Concerned about the continued grave deterioration of the situation of Palestinian children in the Occupied Palestinian Territory, including East Jerusalem, the severely detrimental impact of the continuing Israeli assaults and sieges on Palestinian cities, towns, villages and refugee camps, and the continuing dire humanitarian crisis on the safety and well-being of Palestinian children,

Concerned also about the severely detrimental impact being caused by the unlawful construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime, on the socio-economic conditions of Palestinian children and their families and on the enjoyment by Palestinian children of their right to education, to an adequate standard of living, including adequate food, clothing and housing, to health, and to be free from hunger, in accordance with the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights,

Emphasizing the importance of the safety and well-being of all children in the whole Middle East region,

Expressing its condemnation of all acts of violence, resulting in extensive loss of human life and injuries, including among Palestinian children,

Deeply concerned about the negative consequences, including psychological consequences, of the Israeli military actions for the present and future well-being of Palestinian children,

1. *Stresses* the urgent need for Palestinian children to live a normal life free from foreign occupation, destruction and fear in their own State;

2. *Demands*, in the meanwhile, that Israel, the occupying Power, respect relevant provisions of the Convention on the Rights of the Child¹ and comply fully with the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,⁶ in order to ensure the well-being and protection of Palestinian children and their families;

3. *Calls upon* the international community to provide urgently needed assistance and services in an effort to alleviate the dire humanitarian crisis being faced by Palestinian children and their families and to help in the reconstruction of relevant Palestinian institutions.

⁶ United Nations, *Treaty Series*, vol. 75, No. 973.



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Argentina, Austria, Belgium, Belize, Brazil, Chile, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Mexico, Netherlands, Nicaragua, Panama, Paraguay, Peru, Poland, Portugal, Saint Vincent and the Grenadines, Slovakia, Slovenia, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela: draft resolution

Rights of the child

The General Assembly,

Recalling its previous resolutions on the rights of the child, the most recent of which is resolution 58/157 of 22 December 2003, as well as Commission on Human Rights resolution 2004/48 of 20 April 2004,¹

Emphasizing that the Convention on the Rights of the Child² must constitute the standard in the promotion and protection of the rights of the child, and bearing in mind the importance of the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography,³ as well as other relevant human rights instruments,

Reaffirming that the general principles of, inter alia, the best interests of the child, non-discrimination, participation and survival and development provide the framework for all actions concerning children, including adolescents,

Welcoming the entry into force on 25 December 2003 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and

¹ See *Official Records of the Economic and Social Council, 2004, Supplement No. 3 and corrigendum (E/2004/23 (Part I) and Corr. I), chap. II, sect. A.*

² Resolution 44/25, annex.

³ Resolution 54/263, annexes I and II.



Children,⁴ supplementing the United Nations Convention against Transnational Organized Crime,⁵

Reaffirming the outcome document of the special session of the General Assembly on children, entitled "A world fit for children",⁶ and the commitments contained therein to promote and protect the rights of each child, every human being below the age of 18 years, including adolescents, and the integration of child rights issues into the outcome documents of all major United Nations conferences, special sessions and summits,

Welcoming the reports of the Secretary-General on the status of the Convention on the Rights of the Child⁷ and on progress achieved in realizing the commitments set out in the document entitled "A world fit for children",⁸

Welcoming also the work of the Committee on the Rights of the Child in examining the progress made by States parties to the Convention in implementing the obligations undertaken in the Convention and in providing recommendations to States parties on the implementation of the Convention and, in cooperation with the Office of the United Nations High Commissioner for Human Rights, in enhancing awareness of the principles and provisions of the Convention,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of the persistence of poverty, social inequality, inadequate social and economic conditions in an increasingly globalized economic environment, pandemics, in particular HIV/AIDS, malaria and tuberculosis, environmental damage, natural disasters, armed conflict, displacement, exploitation, illiteracy, hunger, intolerance, discrimination, gender inequality, disability and inadequate legal protection, and convinced that urgent and effective national and international action is called for,

Implementation of the Convention on the Rights of the Child and the Optional Protocols thereto on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography

1. *Urges* States that have not yet done so to sign and ratify or accede to the Convention on the Rights of the Child² as a matter of priority, and urges States parties to implement it fully, while stressing that the implementation of the Convention and the achievement of the goals of the World Summit for Children and the special session of the General Assembly on children are mutually reinforcing;

2. *Expresses its concern* about the great number of reservations to the Convention, and urges States parties to withdraw reservations incompatible with the object and purpose of the Convention and to consider reviewing other reservations with a view to withdrawing them;

⁴ Resolution 55/25, annex II.

⁵ Resolution 55/25, annex I.

⁶ Resolution S-27/2, annex.

⁷ A/59/190.

⁸ A/59/274.

3. *Urges* States that have not yet done so to consider signing and ratifying or acceding to the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography,³ and urges States parties to implement them fully;

4. *Urges* States parties to take all appropriate measures for the implementation of the rights recognized in the Convention by, inter alia, putting in place effective national legislation, policies and action plans and by strengthening relevant governmental structures for children, ensuring adequate and systematic training in the rights of the child for professional groups working with and for children, and encourages States to strengthen their national statistical capacities;

5. *Encourages* States to strengthen their partnership with United Nations organs, within their respective mandates, the Bretton Woods institutions and other multilateral agencies, and affirms the important role of international cooperation for the purposes of the promotion and protection of the rights of the child, in particular with regard to economic, social and cultural rights;

6. *Calls upon* States to strengthen their cooperation with the Committee on the Rights of the Child and to comply in a timely manner with their reporting obligations under the Convention and the Optional Protocols thereto, in accordance with the guidelines elaborated by the Committee, as well as to take into account the recommendations made by the Committee in the implementation of the provisions of the Convention;

7. *Notes* the Committee's ongoing efforts to reform its working methods so as to consider reports of States parties in a timely manner;

8. *Calls upon* all States and relevant actors concerned to continue to cooperate with the special rapporteurs and special representatives of the United Nations system in the implementation of their mandates;

9. *Requests* all relevant organs of the United Nations system, the Office of the United Nations High Commissioner for Human Rights and United Nations mechanisms regularly and systematically to incorporate a strong child rights perspective as well as a gender perspective throughout all activities in the fulfilment of their mandates, as well as to ensure that their staff is trained in child protection matters, and calls upon States to cooperate closely with them;

Promoting and protecting the rights of children and non-discrimination against children, including children in particularly difficult situations

Identity, family relations and birth registration

10. *Urges* all States to intensify their efforts in order to ensure the implementation of the right of the child to birth registration, preservation of identity and family relations, as recognized by law, by:

(a) Providing simplified, expeditious, effective and free procedures for birth registration;

(b) Raising awareness at the national, regional and local levels, whenever necessary, on the importance of birth registration;

(c) In the case of a child whose parents reside in different States, providing means of access and visitation in both States by respecting the principle that both parents have common responsibilities for the upbringing and development of their children;

(d) Where alternative care is necessary, promoting family- and community-based care in preference to placement in institutions;

11. *Calls upon* States to take all necessary measures to prevent and combat illegal adoptions;

12. *Also calls upon* States to take all necessary measures to address the problem of children growing up without parents, in particular orphaned children and children who are victims of family and social violence, neglect and abuse;

13. *Calls upon* all States to address cases of international abduction of children, bearing in mind that the best interest of the child shall be the primary consideration, and encourages States to engage in multilateral and bilateral cooperation to ensure, inter alia, the return of the child to the country where he or she resided immediately before the removal or retention and, in this respect, to pay particular attention to cases of international abduction of children by one of their parents or other relatives;

Poverty

14. *Calls upon* States and the international community to cooperate, support and participate in the global efforts for poverty eradication at the global, regional and country levels, recognizing that strengthened availability and effective allocation of resources are required at all of these levels, in order to ensure that all the internationally agreed development and poverty eradication goals, including those set out in the United Nations Millennium Declaration,⁹ are realized within their time framework, and reaffirms that investments in children and the realization of their rights are among the most effective ways to eradicate poverty;

Health

15. *Calls upon* all States to take all necessary measures to ensure the right of all children, without discrimination, to the enjoyment of the highest attainable standard of health and to develop sustainable health systems and social services and to ensure access to such systems and services without discrimination and to pay particular attention to adequate food and nutrition to prevent disease and malnutrition, to prenatal and post-natal health care, to the special needs of adolescents and to reproductive and sexual health;

16. *Urges* all States to assign priority to activities and programmes aimed at preventing the abuse of narcotic drugs, psychotropic substances and inhalants as well as preventing other addictions, in particular addiction to alcohol and tobacco, among children and young people, especially those in vulnerable situations, and to

⁹ See resolution 55/2.

counter the use of children and young people in the illicit production of and trafficking in narcotic drugs and psychotropic substances;

17. *Calls upon* all States to give support and rehabilitation to children and their families affected by HIV/AIDS and to involve children and their caregivers, as well as the private sector, to ensure the effective prevention of HIV infections through correct information and access to voluntary and confidential care, treatment and testing, including pharmaceutical products and medical technologies, affordable to all, giving due importance to the prevention of mother-to-child transmission of the virus;

Education

18. *Also calls upon* all States:

(a) To recognize the right to education on the basis of equal opportunity and non-discrimination by making primary education compulsory and available free to all children, by ensuring that all children have access to education of good quality, as well as by making secondary education generally available and accessible to all, in particular by the progressive introduction of free secondary education, bearing in mind that special measures to ensure equal access, including affirmative action, contribute to achieving equal opportunity and combating exclusion;

(b) To design and implement programmes to provide social services and support to pregnant adolescents and adolescent mothers, in particular by enabling them to continue and complete their education;

(c) To take all appropriate measures to prevent racism and discriminatory and xenophobic attitudes and behaviour through education, keeping in mind the important role that children play in changing those practices;

(d) To ensure that children from an early age benefit from education programmes, materials and activities that develop respect for human rights and reflect fully the values of peace, non-violence, tolerance and gender equality;

(e) To harness the rapidly evolving information and communication technologies to support education at an affordable cost, including open and distance education, while reducing inequality in access and quality;

(f) To enable children, including adolescents, to exercise their right to express their views freely, according to their evolving capacity, and build self-esteem, acquire knowledge and skills, such as those for conflict resolution, decision-making and communication;

19. *Invites* the United Nations Educational, Scientific and Cultural Organization to continue to implement its mandated role in coordinating Education for All, as a means of reaching the commitments contained in the United Nations Millennium Declaration in this regard;

20. *Urges* States:

(a) To take measures to protect schoolchildren from violence, injury or abuse, including sexual abuse and intimidation or maltreatment in schools, to establish complaint mechanisms that are age-appropriate and accessible to children and to undertake thorough and prompt investigations of all acts of violence and discrimination;

- (b) To take measures to eliminate the use of corporal punishment in schools;

Freedom from violence

21. *Calls upon States:*

(a) To take all appropriate measures to prevent and protect children from all forms of violence, including physical, mental and sexual violence, torture, child abuse, abuse by police, other law enforcement authorities and employees and officials in detention centres or welfare institutions, including orphanages, and domestic violence;

(b) To investigate and submit cases of torture and other forms of violence against children to the competent authorities for the purpose of prosecution and to impose appropriate disciplinary or penal sanctions against those responsible for such practices;

22. *Calls upon* all States to end impunity for perpetrators of crimes committed against children, recognizing in this regard the contribution of the establishment of the International Criminal Court as a way to prevent violations of human rights and international humanitarian law, in particular when children are victims of serious crimes, including the crime of genocide, crimes against humanity and war crimes, and to bring perpetrators of such crimes to justice, and not to grant amnesties for these crimes;

23. *Requests* all relevant human rights mechanisms, in particular special rapporteurs and working groups, within their mandates, to pay attention to the special situations of violence against children, reflecting their experiences in the field;

24. *Welcomes* the oral progress report of the independent expert for the United Nations study on violence against children presented to the General Assembly at its fifty-ninth session, and invites him to report to the Assembly at its sixtieth session;

Non-discrimination

25. *Calls upon* States to take all the necessary legislative and other measures to ensure the rights of the child without discrimination of any kind;

26. *Notes with concern* the large number of children, particularly girls and children belonging to minorities, who are among the victims of racism, racial discrimination, xenophobia and related intolerance, and stresses the need to incorporate special measures, in accordance with the principle of the best interests of the child and respect for his or her views, in programmes to combat racism, racial discrimination, xenophobia and related intolerance, and calls upon States to provide special support and ensure equal access to services for all children;

The girl child

27. *Calls upon* all States to take all necessary measures, including legal reforms where appropriate:

(a) To ensure the full and equal enjoyment by girls of all human rights and fundamental freedoms, to take effective actions against violations of those rights

and freedoms and to base programmes and policies on the rights of the child, taking into account the special situation of girls;

(b) To eliminate all forms of discrimination against girls and all forms of violence, including female infanticide and prenatal sex selection, rape, sexual abuse and harmful traditional or customary practices, including female genital mutilation, the root causes of son preference, marriages without free and full consent of the intending spouses, early marriages and forced sterilization, by enacting and enforcing legislation and, where appropriate, formulating comprehensive, multidisciplinary and coordinated national plans, programmes or strategies protecting girls;

Children with disabilities

28. *Also calls upon* all States to take necessary measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms by children with disabilities in both the public and the private spheres, including access to good quality education and health care and protection from violence, abuse and neglect, and to develop and, where it already exists, to enforce legislation to prohibit discrimination against them to ensure their dignity, promote their self-reliance and facilitate their active participation and integration in the community, taking into account the particularly difficult situation of children with disabilities living in poverty;

29. *Encourages* the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities to continue to consider the issue of children with disabilities in its deliberations;

Migrant children

30. *Calls upon* all States to ensure, for migrant children, the enjoyment of all human rights as well as access to health care, social services and education of good quality and to ensure that migrant children, and especially those who are unaccompanied, in particular victims of violence and exploitation, receive special protection and assistance;

Children working and/or living on the street

31. *Also calls upon* all States to prevent violations of the rights of children working and/or living on the street, including discrimination, arbitrary detention and extrajudicial, arbitrary and summary executions, torture, all kinds of violence and exploitation, and to bring the perpetrators to justice, to adopt and implement policies for the protection, social and psychosocial rehabilitation and reintegration of these children and to adopt economic, social and educational strategies to address the problems of children working and/or living on the street;

Refugee and internally displaced children

32. *Further calls upon* all States to protect refugee, asylum-seeking and internally displaced children, in particular those who are unaccompanied, who are particularly exposed to risks in connection with armed conflict, such as recruitment, sexual violence and exploitation, to pay particular attention to programmes for

voluntary repatriation and, wherever possible, local integration and resettlement, to give priority to family tracing and reunification and, where appropriate, to cooperate with international humanitarian and refugee organizations, including by facilitating their work;

Child labour

33. *Calls upon* all States to translate into concrete action their commitment to the progressive and effective elimination of child labour that is likely to be hazardous to or interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development, to eliminate immediately the worst forms of child labour, to promote education as a key strategy in this regard, including the creation of vocational training and apprenticeship programmes and the integration of working children into the formal education system, and to examine and devise economic policies, where necessary, in cooperation with the international community, that address factors contributing to these forms of child labour;

34. *Urges* all States that have not yet done so to consider ratifying the Convention concerning Minimum Age for Admission to Employment, 1973 (Convention No. 138) and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (Convention No. 182) of the International Labour Organization, and calls upon States parties to those instruments to implement them fully and to comply in a timely manner with their reporting obligations;

Children alleged to have infringed or recognized as having infringed penal law

35. *Calls upon:*

(a) All States, in particular States in which the death penalty has not been abolished, to comply with their obligations as assumed under relevant provisions of international human rights instruments, including, in particular, articles 37 and 40 of the Convention on the Rights of the Child and articles 6 and 14 of the International Covenant on Civil and Political Rights,¹⁰ keeping in mind the safeguards guaranteeing protection of the rights of those facing the death penalty and guarantees set out in Economic and Social Council resolutions 1984/50 of 25 May 1984 and 1989/64 of 24 May 1989, and calls upon those States to abolish by law, as soon as possible, the death penalty for those below the age of 18 years at the time of the commission of the offence;

(b) All States to ensure that no child in detention is sentenced to forced labour or corporal punishment or deprived of access to and provision of health-care services, hygiene and environmental sanitation, education, basic instruction and vocational training, taking into consideration the special needs of children with disabilities in detention, in accordance with their obligations under the Convention;

¹⁰ See resolution 2200 A (XXI), annex.

Recovery and social reintegration

36. *Encourages* States to promote actions, including through bilateral and multilateral technical cooperation and financial assistance, for the social reintegration of children in difficult situations, considering, inter alia, views, skills and capacities that these children have developed in the conditions in which they lived and, where appropriate, with their meaningful participation;

37. *Recognizes* that children affected by the severe impact of natural disasters must be provided with access to basic social services;

Prevention and eradication of the sale of children, child prostitution and child pornography

38. *Calls upon* all States:

(a) To criminalize and effectively penalize all forms of sexual exploitation and sexual abuse of children, including within the family or for commercial purposes, child pornography and child prostitution, child sex tourism, trafficking of children, the sale of children and their organs and the use of the Internet for these purposes, and to take effective measures against the criminalization of children who are victims of exploitation;

(b) To ensure the prosecution of offenders, whether local or foreign, by the competent national authorities, either in the country where the crime was committed, or in the country of which the offender is a national or resident, or in the country of which the victim is a national, or on any other basis permitted under domestic law in accordance with due process of law, and for these purposes, to afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings;

(c) To increase cooperation at all levels to prevent and dismantle networks trafficking in children;

(d) To consider ratifying or acceding to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,⁴ supplementing the United Nations Convention against Transnational Organized Crime;⁵

(e) In cases of trafficking of children, the sale of children, child prostitution and child pornography, to address effectively the needs of victims, including their safety and protection, physical and psychological recovery and full reintegration into their family and society;

(f) To combat the existence of a market that encourages such criminal practices against children, including through the adoption, effective application and enforcement of preventive, rehabilitative and punitive measures targeting customers or individuals who sexually exploit or sexually abuse children, as well as by ensuring public awareness;

(g) To contribute to the elimination of the sale of children, child prostitution and child pornography by adopting a holistic approach, addressing the contributing factors, including underdevelopment, poverty, economic disparities, inequitable socio-economic structures, dysfunctional families, lack of education, urban-rural

migration, gender discrimination, irresponsible adult sexual behaviour, harmful traditional practices, armed conflicts and trafficking in children;

Children affected by armed conflict

39. *Reaffirms* the essential roles of the General Assembly, the Economic and Social Council and the Commission on Human Rights in promoting and protecting the rights and welfare of children, notes the importance of the debates held by the Security Council on children and armed conflict and its resolutions,¹¹ and takes note of other recent documents on this issue¹² and of the importance of the undertaking by the Council to give special attention to the protection, welfare and rights of children in armed conflict when taking action aimed at maintaining peace and security, including provisions for the protection of children in the mandates of peacekeeping operations, as well as the inclusion of child protection advisers in these operations;

40. *Takes note* of the late issuance of the report of the Secretary-General on the comprehensive assessment of the United Nations system response to children affected by armed conflict,¹³ and stresses the importance of considering it as a matter of priority;

41. *Recognizes* the inclusion in the Rome Statute of the International Criminal Court,¹⁴ as a war crime, of crimes involving sexual violence and crimes of conscripting or enlisting children under the age of 15 years or using them to participate actively in hostilities in both international and non-international armed conflicts;

42. *Strongly condemns* any recruitment and use of children in armed conflicts contrary to international law and urges all States and other parties to armed conflict engaged in such practices to end them;

43. *Recognizes* efforts by States, the United Nations system and civil society to end the recruitment and use of children in armed conflict;

44. *Calls upon* States:

(a) When ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict,¹⁵ to raise the minimum age for voluntary recruitment of persons into the national armed forces from that set out in article 38, paragraph 3, of the Convention, bearing in mind that under the Convention persons under 18 years of age are entitled to special protection, and to adopt safeguards to ensure that such recruitment is not forced or coerced;

(b) To take all feasible measures to ensure the demobilization and effective disarmament of children used in armed conflicts and to implement effective

¹¹ Resolutions 1379 (2001) of 20 November 2001, 1460 (2003) of 30 January 2003 and 1539 (2004) of 22 April 2004.

¹² A/58/546-S/2003/1053, A/58/546/Corr.1-S/2003/1053/Corr.1, A/58/546/Corr.2-S/2003/1053/Corr.2 and A/59/184-S/2004/602.

¹³ A/59/331.

¹⁴ *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June-17 July 1998, vol. I: Final documents* (United Nations publication, Sales No. E.02.I.5), sect. A.

¹⁵ Resolution 54/263, annex I.

measures for their rehabilitation, physical and psychological recovery and reintegration into society, taking into account the rights and the specific needs and capacities of girls;

(c) To take all feasible measures, as a matter of priority, to prevent recruitment and use of children by armed groups, as distinct from the armed forces of a State, including the adoption of legal measures necessary to prohibit and criminalize such practices;

(d) To protect children affected by armed conflict, in particular from violations of international humanitarian law and human rights law and to ensure that they receive timely, effective humanitarian assistance in accordance with the Geneva Conventions and international humanitarian law;

45. *Calls upon* the United Nations system and the international community to cooperate with States in the development of projects to build capacity, to educate and to train demobilized children who are in the process of reintegration into their own communities and society;

Follow-up

46. *Urges* those States that have not yet done so to complete a national action plan as soon as possible incorporating the goals agreed at the special session of the General Assembly on children, as reflected in its outcome document entitled "A world fit for children",⁶ and to place those goals within the framework of the Convention on the Rights of the Child;²

47. *Decides*:

(a) To request the Secretary-General to prepare an updated report on progress achieved in realizing the commitments set out in the document entitled "A world fit for children", with a view to identifying new challenges and making recommendations on the action needed to achieve further progress, with particular focus on the contribution that the implementation of the Convention on the Rights of the Child can make to the eradication of poverty and hunger, and to submit his report to the General Assembly at its sixtieth session;

(b) To request the Secretary-General to submit to the General Assembly at its sixtieth session a report on the rights of the child containing information on the status of the Convention and the problems addressed in the present resolution;

(c) To request the Special Representative of the Secretary-General for Children and Armed Conflict to continue to submit to the General Assembly and the Commission on Human Rights reports containing relevant, accurate and objective information on the situation of children affected by armed conflict, taking into account the outcome document adopted by the General Assembly at its special session on children and bearing in mind existing mandates and reports of relevant bodies;

(d) To invite the Chairman of the Committee on the Rights of the Child to present an oral report on the work of the Committee to the General Assembly at its sixtieth session;

(e) To focus its general debate regarding the promotion of the rights of the child, in future sessions, on specific challenges, beginning with, at its sixtieth session, the contribution that the implementation of the Convention on the Rights of the Child can make to the eradication of poverty and hunger;

(f) To continue its consideration of this question at its sixtieth session under the item entitled "Promotion and protection of the rights of children".



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Agenda item 101

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Andorra, Argentina, Armenia, Azerbaijan, Austria, Belgium, Belize, Brazil, Bulgaria, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Mexico, Monaco, Netherlands, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Moldova, Romania, Saint Vincent and the Grenadines, San Marino, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, Ukraine, Uruguay and Venezuela: revised draft resolution

Rights of the child

The General Assembly,

Recalling its previous resolutions on the rights of the child, the most recent of which is resolution 58/157 of 22 December 2003, as well as Commission on Human Rights resolution 2004/48 of 20 April 2004,¹

Emphasizing that the Convention on the Rights of the Child² must constitute the standard in the promotion and protection of the rights of the child, and bearing in mind the importance of the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography,³ as well as other relevant human rights instruments,

Welcoming the entry into force on 25 December 2003 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and

¹ See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* and corrigendum (E/2004/23 and Corr.1), chap. II, sect. A.

² Resolution 44/25, annex.

³ Resolution 54/263, annexes I and II.



Children,⁴ supplementing the United Nations Convention against Transnational Organized Crime,⁵

Reaffirming the outcome documents of the special session of the General Assembly on children, entitled "A world fit for children",⁶ and the commitments contained therein to promote and protect the rights of each child, every human being below the age of 18 years, including adolescents, and of all major United Nations conferences, and the integration of child rights issues into the outcome documents of all major United Nations conferences, special sessions and summits,

Welcoming the reports of the Secretary-General on the status of the Convention on the Rights of the Child⁷ and on progress achieved in realizing the commitments set out in the document entitled "A world fit for children",⁸

Welcoming also the work of the Committee on the Rights of the Child in examining the progress made by States parties to the Convention in implementing the obligations undertaken in the Convention and in providing recommendations to States parties on the implementation of the Convention and, in cooperation with the Office of the United Nations High Commissioner for Human Rights, in enhancing awareness of the principles and provisions of the Convention,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of the persistence of poverty, social inequality, inadequate social and economic conditions in an increasingly globalized economic environment, pandemics, in particular HIV/AIDS, malaria and tuberculosis, environmental damage, natural disasters, armed conflict, displacement, exploitation, illiteracy, hunger, intolerance, discrimination, gender inequality, disability and inadequate legal protection, and convinced that urgent and effective national and international action is called for,

Underlining the need to mainstream a gender perspective in all policies and programmes relating to children,

Implementation of the Convention on the Rights of the Child and the Optional Protocols thereto on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography

1. *Reaffirms* that the general principles of, inter alia, the best interests of the child, non-discrimination, participation and survival and development provide the framework for all actions concerning children, including adolescents;

2. *Urges* States that have not yet done so to sign and ratify or accede to the Convention on the Rights of the Child² as a matter of priority, and urges States parties to implement it fully, while stressing that the implementation of the Convention and the achievement of the goals of the World Summit for Children and the special session of the General Assembly on children are mutually reinforcing;

3. *Expresses its concern* about the great number of reservations to the Convention, and urges States parties to withdraw reservations incompatible with the

⁴ Resolution 55/25, annex II.

⁵ Resolution 55/25, annex I.

⁶ Resolution S-27/2, annex.

⁷ A/59/190.

⁸ A/59/274.

object and purpose of the Convention and to consider reviewing other reservations with a view to withdrawing them;

4. *Urges* States that have not yet done so to consider signing and ratifying or acceding to the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography,³ and urges States parties to implement them fully;

5. *Urges* States parties to take all appropriate measures for the implementation of the rights recognized in the Convention by, inter alia, putting in place effective national legislation, policies and action plans and by strengthening relevant governmental structures for children, ensuring adequate and systematic training in the rights of the child for professional groups working with and for children;

6. *Encourages* States to strengthen their national statistical capacities and to use statistics disaggregated, inter alia, by age, gender and other relevant factors that may lead to disparities and other statistical indicators at the national, subregional, regional and international levels to develop and assess social policies and programmes so that economic and social resources are used efficiently and effectively for the full realization of the rights of the child;

7. *Also encourages* States to strengthen their partnership with United Nations organs, within their respective mandates, the Bretton Woods institutions and other multilateral agencies, and affirms the important role of international cooperation for the purposes of the promotion and protection of the rights of the child, in particular with regard to economic, social and cultural rights;

8. *Calls upon* States to strengthen their cooperation with the Committee on the Rights of the Child and to comply in a timely manner with their reporting obligations under the Convention and the Optional Protocols thereto, in accordance with the guidelines elaborated by the Committee, as well as to take into account the recommendations made by the Committee in the implementation of the provisions of the Convention;

9. *Welcomes* the efforts of the Committee to reform its working methods so as to consider the reports of States parties in a timely manner, including by the proposal to work in two chambers, as an exceptional and temporary measure, for a period of two years, in order to clear the backlog of reports, taking due account of equitable geographical distribution, and urges the Committee to continue to review its working methods in order to enhance its efficiency and to assess progress after two years, also taking into account the wider context of treaty body reform;

10. *Calls upon* all States and relevant actors concerned to continue to cooperate with the special rapporteurs and special representatives of the United Nations system in the implementation of their mandates;

11. *Requests* all relevant organs of the United Nations system, the Office of the United Nations High Commissioner for Human Rights and United Nations mechanisms regularly and systematically to incorporate a strong child rights perspective as well as a gender perspective throughout all activities in the fulfilment of their mandates, as well as to ensure that their staff is trained in child protection matters, and calls upon States to cooperate closely with them;

Promoting and protecting the rights of children and non-discrimination against children, including children in particularly difficult situations

Identity, family relations and birth registration

12. *Urges* all States to intensify their efforts in order to ensure the implementation of the right of the child to birth registration, preservation of identity, including nationality, and family relations, as recognized by law, by:

(a) Providing, at a minimal cost, simplified, expeditious and effective procedures for birth registration;

(b) Raising awareness at the national, regional and local levels, whenever necessary, on the importance of birth registration;

(c) Guaranteeing, to the extent consistent with each State's obligations, the right of a child whose parents reside in different States to maintain, on a regular basis, save in exceptional circumstances, personal relations and direct contact with both parents by providing means of access and visitation in both States and by respecting the principle that both parents have common responsibilities for the upbringing and development of their children;

(d) Where alternative care is necessary, promoting family- and community-based care in preference to placement in institutions;

13. *Calls upon* States to take all necessary measures to prevent and combat illegal adoptions;

14. *Calls upon* all States to adopt and enforce laws and improve the implementation of policies and programmes to protect children growing up without parents and caregivers, in particular orphaned and other vulnerable children, from all forms of violence, neglect, abuse and exploitation, as well as ensure access to education, health and social services;

15. *Calls upon* States to take all necessary measures to ensure the full enjoyment of all human rights and fundamental freedoms by orphaned and other vulnerable children and to take effective measures against violations of those rights;

16. *Calls upon* all States to address cases of international abduction of children, and encourages States to engage in multilateral and bilateral cooperation to facilitate, inter alia, the return of the child to the country where he or she resided immediately before the removal or retention and, in this respect, to pay particular attention to cases of international abduction of children by one of their parents or other relatives;

Poverty

17. *Calls upon* States and the international community to cooperate, support and participate in the global efforts for poverty eradication at the global, regional and country levels, recognizing that strengthened availability and effective allocation of resources are required at all of these levels, in order to ensure that all the internationally agreed development and poverty eradication goals, including those set out in the United Nations Millennium Declaration,⁹ are realized within

⁹ See resolution 55/2.

their time framework, and reaffirms that investments in children and the realization of their rights are among the most effective ways to eradicate poverty;

Health

18. *Calls upon* all States to take all necessary measures to ensure the right of the child, without discrimination, to the enjoyment of the highest attainable standard of health and to develop sustainable health systems and social services, to ensure access to such systems and services without discrimination and to pay particular attention to adequate food and nutrition to prevent disease and malnutrition, to prenatal and post-natal health care, to the special needs of adolescents and to reproductive and sexual health;

19. *Urges* all States to assign priority to activities and programmes aimed at preventing the abuse of narcotic drugs, psychotropic substances and inhalants as well as preventing other addictions, in particular addiction to alcohol and tobacco, among children and young people, especially those in vulnerable situations, and to counter the use of children and young people in the illicit production of and trafficking in narcotic drugs and psychotropic substances;

20. *Calls upon* all States to give support and rehabilitation to children and their families affected by HIV/AIDS and to involve children and their caregivers, as well as the private sector, to ensure the effective prevention of HIV infections through correct information and access to voluntary and confidential care, treatment and testing, including pharmaceutical products and medical technologies, affordable to all, giving due importance to the prevention of mother-to-child transmission of the virus;

Education

21. *Also calls upon* all States:

(a) To recognize the right to education on the basis of equal opportunity and non-discrimination by making primary education compulsory and available free to all children, by ensuring that all children have access to education of good quality, as well as by making secondary education generally available and accessible to all, in particular by the progressive introduction of free education, bearing in mind that special measures to ensure equal access, including affirmative action, contribute to achieving equal opportunity and combating exclusion;

(b) To design and implement programmes to provide social services and support to pregnant adolescents and adolescent mothers, in particular by enabling them to continue and complete their education;

(c) To take all appropriate measures to prevent racism and discriminatory and xenophobic attitudes and behaviour through education, keeping in mind the important role that children play in changing those practices;

(d) To ensure that children from an early age benefit from education programmes, materials and activities that develop respect for human rights and reflect fully the values of peace, non-violence against oneself and others, tolerance and gender equality;

(e) To harness the rapidly evolving information and communication technologies to support education at an affordable cost, including open and distance education, while reducing inequality in access and quality;

(f) To enable children, including adolescents, to exercise their right to express their views freely, according to their evolving capacity, and build self-esteem, acquire knowledge and skills, such as those for conflict resolution, decision-making and communication, to meet the challenges of life;

22. *Invites* the United Nations Educational, Scientific and Cultural Organization to continue to implement its mandated role in coordinating Education for All, as a means of reaching the commitments contained in the United Nations Millennium Declaration in this regard;

23. *Urges* States:

(a) To take measures to protect schoolchildren from violence, injury or abuse, including sexual abuse and intimidation or maltreatment in schools, to establish complaint mechanisms that are age-appropriate and accessible to children and to undertake thorough and prompt investigations of all acts of violence and discrimination;

(b) To take measures to eliminate the use of corporal punishment in schools;

Freedom from violence

24. *Calls upon* States:

(a) To take all appropriate measures to prevent and protect children from all forms of violence, including physical, mental and sexual violence, torture, child abuse, domestic violence, abuse by police, other law enforcement authorities and employees and officials in detention centres or welfare institutions, including orphanages, and domestic violence;

(b) To investigate and submit cases of torture and other forms of violence against children to the competent authorities for the purpose of prosecution and to impose appropriate disciplinary or penal sanctions against those responsible for such practices;

25. *Calls upon* all States to end impunity for perpetrators of crimes committed against children, recognizing in this regard the contribution of the establishment of the International Criminal Court as a way to prevent violations of human rights and international humanitarian law, in particular when children are victims of serious crimes, including the crime of genocide, crimes against humanity and war crimes, to bring perpetrators of such crimes to justice and not grant amnesties for these crimes and to strengthen international cooperation towards the goal of ending impunity;

26. *Requests* all relevant human rights mechanisms, in particular special rapporteurs and working groups, within their mandates, to pay attention to the special situations of violence against children, reflecting their experiences in the field;

27. *Invites* the independent expert for the United Nations study on violence against children to report to the General Assembly at its sixtieth session;

Non-discrimination

28. *Calls upon* all States to ensure that children are entitled to their civil, political, economic, social and cultural rights without discrimination of any kind;

29. *Notes with concern* the large number of children, particularly girls and children belonging to minorities, who are among the victims of racism, racial discrimination, xenophobia and related intolerance, stresses the need to incorporate special measures, in accordance with the principle of the best interests of the child and respect for his or her views, in programmes to combat racism, racial discrimination, xenophobia and related intolerance, and calls upon States to provide special support and ensure equal access to services for all children;

The girl child

30. *Calls upon* all States to take all necessary measures, including legal reforms where appropriate:

(a) To ensure the full and equal enjoyment by girls of all human rights and fundamental freedoms, to take effective actions against violations of those rights and freedoms and to base programmes and policies on the rights of the child, taking into account the special situation of girls;

(b) To eliminate all forms of discrimination against girls and all forms of violence, including female infanticide and prenatal sex selection, rape, sexual abuse and harmful traditional or customary practices, including female genital mutilation, the root causes of son preference, marriages without free and full consent of the intending spouses, early marriages and forced sterilization, by enacting and enforcing legislation and, where appropriate, formulating comprehensive, multidisciplinary and coordinated national plans, programmes or strategies protecting girls;

Children with disabilities

31. *Also calls upon* all States to take the necessary measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms by children with disabilities in both the public and the private spheres, including access to good quality education and health care and protection from violence, abuse and neglect, and to develop and, where it already exists, to enforce legislation to prohibit discrimination against them to ensure their dignity, promote their self-reliance and facilitate their active participation and integration in the community, taking into account the particularly difficult situation of children with disabilities living in poverty;

32. *Encourages* the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities to continue to consider the issue of children with disabilities in its deliberations;

Migrant children

33. *Calls upon* all States to ensure, for migrant children, the enjoyment of all human rights as well as access to health care, social services and education of good quality and to ensure that migrant children, and especially those who are

unaccompanied, in particular victims of violence and exploitation, receive special protection and assistance;

Children working and/or living on the street

34. *Also calls upon* all States to prevent violations of the rights of children working and/or living on the street, including discrimination, arbitrary detention and extrajudicial, arbitrary and summary executions, torture, all kinds of violence and exploitation, and to bring the perpetrators to justice, to adopt and implement policies for the protection, social and psychosocial rehabilitation and reintegration of these children and to adopt economic, social and educational strategies to address the problems of children working and/or living on the street;

Refugee and internally displaced children

35. *Further calls upon* all States to protect refugee, asylum-seeking and internally displaced children, in particular those who are unaccompanied, who are particularly exposed to risks in connection with armed conflict, such as recruitment, sexual violence and exploitation, to pay particular attention to programmes for voluntary repatriation and, wherever possible, local integration and resettlement, to give priority to family tracing and reunification and, where appropriate, to cooperate with international humanitarian and refugee organizations, including by facilitating their work;

Child labour

36. *Calls upon* all States to translate into concrete action their commitment to the progressive and effective elimination of child labour that is likely to be hazardous to or interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development, to eliminate immediately the worst forms of child labour, to promote education as a key strategy in this regard, including the creation of vocational training and apprenticeship programmes and the integration of working children into the formal education system, and to examine and devise economic policies, where necessary, in cooperation with the international community, that address factors contributing to these forms of child labour;

37. *Urges* all States that have not yet done so to consider ratifying the Convention concerning Minimum Age for Admission to Employment, 1973 (Convention No. 138) and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (Convention No. 182) of the International Labour Organization, and calls upon States parties to those instruments to implement them fully and to comply in a timely manner with their reporting obligations;

Children alleged to have infringed or recognized as having infringed penal law

38. *Calls upon:*

(a) All States, in particular States in which the death penalty has not been abolished, to comply with their obligations as assumed under relevant provisions of international human rights instruments, including, in particular, articles 37 and 40 of the Convention on the Rights of the Child and articles 6 and 14 of the International

Covenant on Civil and Political Rights,¹⁰ keeping in mind the safeguards guaranteeing protection of the rights of those facing the death penalty and guarantees set out in Economic and Social Council resolutions 1984/50 of 25 May 1984 and 1989/64 of 24 May 1989, and calls upon those States to abolish by law, as soon as possible, the death penalty for those below the age of 18 years at the time of the commission of the offence;

(b) All States to ensure that no child in detention is sentenced to forced labour or corporal punishment or deprived of access to and provision of health-care services, hygiene and environmental sanitation, education, basic instruction and vocational training, taking into consideration the special needs of children with disabilities in detention, in accordance with their obligations under the Convention;

Recovery and social reintegration

39. *Encourages* States to promote actions, including through bilateral and multilateral technical cooperation and financial assistance, for the social reintegration of children in difficult situations, considering, inter alia, views, skills and capacities that these children have developed in the conditions in which they lived and, where appropriate, with their meaningful participation;

40. *Recognizes* that children affected by the severe impact of natural disasters must be provided with access to basic social services;

Prevention and eradication of the sale of children, child prostitution and child pornography

41. *Calls upon* all States:

(a) To criminalize and effectively penalize all forms of sexual exploitation and sexual abuse of children, including all acts of paedophilia, including within the family or for commercial purposes, child pornography and child prostitution, child sex tourism, trafficking of children, the sale of children and their organs and the use of the Internet for these purposes, and to take effective measures against the criminalization of children who are victims of exploitation;

(b) To ensure the prosecution of offenders, whether local or foreign, by the competent national authorities, either in the country where the crime was committed, or in the country of which the offender is a national or resident, or in the country of which the victim is a national, or on any other basis permitted under domestic law in accordance with due process of law, and for these purposes, to afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings;

(c) To increase cooperation at all levels to prevent and dismantle networks trafficking in children;

(d) To consider ratifying or acceding to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,⁴ supplementing the United Nations Convention against Transnational Organized Crime;⁵

(e) In cases of trafficking of children, the sale of children, child prostitution and child pornography, to address effectively the needs of victims, including their

¹⁰ See resolution 2200 A (XXI), annex.

safety and protection, physical and psychological recovery and full reintegration into their family and society;

(f) To combat the existence of a market that encourages such criminal practices against children, including through the adoption, effective application and enforcement of preventive, rehabilitative and punitive measures targeting customers or individuals who sexually exploit or sexually abuse children, as well as by ensuring public awareness;

(g) To contribute to the elimination of the sale of children, child prostitution and child pornography by adopting a holistic approach, addressing the contributing factors, including underdevelopment, poverty, economic disparities, inequitable socio-economic structures, dysfunctional families, lack of education, urban-rural migration, gender discrimination, irresponsible adult sexual behaviour, harmful traditional practices, armed conflicts and trafficking in children;

Children affected by armed conflict

42. *Reaffirms* the essential roles of the General Assembly, the Economic and Social Council and the Commission on Human Rights in promoting and protecting the rights and welfare of children, notes the importance of the debates held by the Security Council on children and armed conflict and its resolutions,¹¹ and takes note of other recent documents on this issue¹² and of the importance of the undertaking by the Council to give special attention to the protection, welfare and rights of children in armed conflict when taking action aimed at maintaining peace and security, including provisions for the protection of children in the mandates of peacekeeping operations, as well as the inclusion of child protection advisers in these operations;

43. *Takes note* of the report of the Secretary-General on the comprehensive assessment of the United Nations system response to children affected by armed conflict;¹³

44. *Also takes note* of the report of the Special Representative of the Secretary-General for Children and Armed Conflict;¹⁴

45. *Recognizes* the inclusion in the Rome Statute of the International Criminal Court,¹⁵ as a war crime, of crimes involving sexual violence and crimes of conscripting or enlisting children under the age of 15 years or using them to participate actively in hostilities in both international and non-international armed conflicts;

46. *Strongly condemns* any recruitment and use of children in armed conflicts contrary to international law and urges all States and other parties to armed conflict engaged in such practices to end them;

¹¹ Resolutions 1379 (2001) of 20 November 2001, 1460 (2003) of 30 January 2003 and 1539 (2004) of 22 April 2004.

¹² A/58/546-S/2003/1053, A/58/546/Corr.1-S/2003/1053/Corr.1, A/58/546/Corr.2-S/2003/1053/Corr.2 and A/59/184-S/2004/602.

¹³ A/59/331.

¹⁴ A/59/426.

¹⁵ *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June-17 July 1998, vol. I: Final documents* (United Nations publication, Sales No. E.02.1.5), sect. A.

47. *Recognizes* efforts by States, the United Nations system and civil society to end the recruitment and use of children in armed conflict;

48. *Calls upon* States:

(a) When ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict,¹⁶ to raise the minimum age for voluntary recruitment of persons into the national armed forces from that set out in article 38, paragraph 3, of the Convention, bearing in mind that under the Convention persons under 18 years of age are entitled to special protection, and to adopt safeguards to ensure that such recruitment is not forced or coerced;

(b) To take all feasible measures to ensure the demobilization and effective disarmament of children used in armed conflicts and to implement effective measures for their rehabilitation, physical and psychological recovery and reintegration into society, taking into account the rights and the specific needs and capacities of girls;

(c) To take all feasible measures, as a matter of priority, to prevent recruitment and use of children by armed groups, as distinct from the armed forces of a State, including the adoption of legal measures necessary to prohibit and criminalize such practices;

(d) To protect children affected by armed conflict, in particular from violations of international humanitarian law and human rights law and to ensure that they receive timely, effective humanitarian assistance in accordance with the Geneva Conventions and international humanitarian law;

49. *Calls upon* the United Nations system and the international community to cooperate with States in the development of projects to build capacity and to educate and train demobilized children in order to reintegrate them into society;

Follow-up

50. *Urges* those States that have not yet done so to complete a national action plan as soon as possible incorporating the goals agreed at the special session of the General Assembly on children, as reflected in its outcome document entitled "A world fit for children",⁶ and to place those goals within the framework of the Convention on the Rights of the Child;

51. *Decides*:

(a) To request the Secretary-General to prepare an updated report on progress achieved in realizing the commitments set out in the document entitled "A world fit for children", with a view to identifying new challenges and making recommendations on the action needed to achieve further progress, with particular focus on the contribution that the implementation of the Convention on the Rights of the Child can make to the eradication of poverty and hunger, and to submit his report to the General Assembly at its sixtieth session;

(b) To request the Secretary-General to submit to the General Assembly at its sixtieth session a report on the rights of the child containing information on the status of the Convention and the issues addressed in the present resolution;

¹⁶ Resolution 54/263, annex I.

(c) To request the Special Representative of the Secretary-General for Children and Armed Conflict to continue to submit reports to the General Assembly and the Commission on Human Rights and to ensure that they contain relevant, accurate and objective information on the situation of children affected by armed conflict, taking into account the views of Member States and the outcome document adopted by the General Assembly at its special session on children and bearing in mind existing mandates and reports of relevant bodies;

(d) To invite the Chairman of the Committee on the Rights of the Child to present an oral report on the work of the Committee to the General Assembly at its sixtieth session;

(e) To focus its general debate regarding the promotion of the rights of the child, in future sessions, on specific challenges, beginning with, at its sixtieth session, the contribution that the implementation of the Convention on the Rights of the Child can make to the eradication of poverty and hunger;

(f) To continue its consideration of this question at its sixtieth session under the item entitled "Promotion and protection of the rights of children".



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Fifty-ninth session

Third Committee

Agenda item 102

Programme of activities for the International Decade
of the World's Indigenous People, 1995-2004

Argentina, Belize, Chile, Colombia, Costa Rica, Cuba, Democratic Republic of the Congo, Dominica, Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Jamaica, Mexico, Peru, Saint Lucia, Saint Vincent and the Grenadines and Venezuela: draft resolution

Second International Decade of the World's Indigenous People

The General Assembly,

Bearing in mind that in the Vienna Declaration and Programme of Action,¹ the 1993 World Conference on Human Rights recognized the inherent dignity and the unique contribution of indigenous people to the development and plurality of society and strongly reaffirmed the commitment of the international community to their economic, social and cultural well-being and their enjoyment of the fruits of sustainable development,

Reaffirming that States should, in accordance with international law, take concerted positive steps to ensure respect for all human rights and fundamental freedoms of indigenous people, on the basis of equality and non-discrimination, and recognizing the value and diversity of their distinctive identities, cultures and social organization,

Recalling its resolution 48/163 of 21 December 1993, in which it proclaimed the International Decade of the World's Indigenous People, commencing on 10 December 1994, with the goal to strengthening of international cooperation for the solution of problems faced by indigenous peoples in such areas as human rights, the environment, development, education and health,

Recalling also its resolution 58/158 of 22 December 2003 and all previous resolutions on the International Decade of the World's Indigenous People,

Welcoming all achievements during the Decade, in particular the establishment of the Permanent Forum on Indigenous Issues, and the contributions to the

¹ A/CONF.157/24 (Part I), chap. III.



realization of the goals of the Decade made by the Permanent Forum, the Working Group on Indigenous Populations of the Subcommission on the Promotion and Protection of Human Rights and the Special Rapporteur of the Commission on Human Rights on the situation of human rights and fundamental freedoms of indigenous people, such as the comprehensive work programme that the Permanent Forum is carrying out for the benefit of indigenous peoples in the areas of culture, education, environment, health, human rights and social and economic development,

Taking due note of Commission on Human Rights resolution 2004/62 of 21 April 2004,² in which the Commission expressed its deep concern about the precarious economic and social situation that indigenous people continue to endure in many parts of the world in comparison to the overall population and the persistence of grave violations of their human rights, and reaffirmed the urgent need to recognize, promote and protect more effectively their rights and freedoms,

Recalling that in its resolution 49/214 of 23 December 1994 it expressly put on record its expectation to achieve the adoption of a declaration on indigenous rights within the International Decade, that in resolution 50/157 of 21 December 1995 it decided that the adoption by the General Assembly of a declaration on the rights of indigenous people constituted a major objective of the Decade, and noting the progress made in the recent rounds of negotiations in the open-ended intersessional working group of the Commission on Human Rights charged with elaborating a draft declaration on the rights of indigenous people, established pursuant to Commission resolution 1995/32 of 3 March 1995,³

Recognizing the importance of consultation and cooperation with indigenous people in planning and implementing the programme of activities for the Decade, the need for adequate financial support from the international community, including support from within the United Nations system, and the need for adequate coordination and communication channels,

1. *Proclaims* the Second International Decade of the World's Indigenous People, commencing on 1 January 2005;

2. *Decides* that the goal of the Second Decade should be the further strengthening of international cooperation for the solution of problems faced by indigenous people in such areas as culture, education, health, human rights, the environment and social and economic development, by means of action-oriented programmes and specific projects, increased technical assistance and relevant standard-setting activities;

3. *Requests* the Secretary-General to appoint the Under-Secretary-General for Economic and Social Affairs as the Coordinator for the Second Decade;

4. *Requests* the Coordinator to fulfil the mandate in full cooperation and consultation with Governments, the Permanent Forum on Indigenous Issues and other relevant bodies and mechanisms of the United Nations system, the Office of the United Nations High Commissioner for Human Rights, other members of the Inter-agency Support Group on Indigenous Issues and indigenous and non-governmental organizations;

² See *Official Records of the Economic and Social Council, 2004, Supplement No. 3 (E/2004/23)*, chap. II, sect. A.

³ *Ibid.*, 1995, *Supplement No. 3 and corrigenda (E/1995/23 and Corr.1 and 2)*, chap. II, sect. A.

5. *Invites* Governments to ensure that activities and objectives for the Second Decade are planned and implemented on the basis of full consultation and collaboration with indigenous people;

6. *Appeals* to the specialized agencies, regional commissions, financial and development institutions and other relevant organizations of the United Nations system to increase their efforts to take into special account the needs of indigenous people in their budgeting and in their programming;

7. *Requests* the Secretary-General to establish a voluntary fund for the Second Decade, which to all juridical purposes and effects should be set up and discharge its functions as a successor of the already existing Voluntary Fund established for the present Decade pursuant to General Assembly resolutions 48/163, 49/214 and 50/157;

8. *Authorizes* the Secretary-General to accept and administer voluntary contributions from Governments, intergovernmental and non-governmental organizations, indigenous organizations and private institutions and individuals for the purpose of funding projects and programmes during the Second Decade;

9. *Urges* Governments, intergovernmental and non-governmental organizations to contribute to the Voluntary Fund for the Second Decade established by the Secretary-General, and invites indigenous organizations and private institutions and individuals to do likewise;

10. *Urges* the competent United Nations organs, programmes and specialized agencies, in planning activities for the Second Decade, to examine how existing programmes and resources might be utilized to benefit indigenous people more effectively, including through the explorations of ways in which indigenous perspectives and activities can be included or enhanced;

11. *Decides* to continue observing in New York, Geneva and other offices of the United Nations every year during the Second Decade the International Day of Indigenous People, to request the Secretary-General to support the observance of the Day from within existing resources, and to encourage Governments to observe the Day at the national level;

12. *Urges* all parties involved in the process of negotiation to do their utmost to successfully accomplish the mandate of the open-ended intersessional working group established by the Commission on Human Rights in its resolution 1995/32 and to present for adoption as soon as possible a final draft United Nations declaration on the rights of indigenous peoples;

13. *Requests* the Secretary-General to give all the assistance necessary to ensure the success of the Second Decade;

14. *Also requests* the Secretary-General to submit a report to the General Assembly at its sixtieth session on a comprehensive programme of action for the Second Decade based on the achievements of the first Decade;

15. *Decides* to include in the provisional agenda of its sixtieth session an item entitled "Indigenous issues".



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Third Committee

Agenda item 105 (a)

Human rights questions: implementation of human rights instruments

Argentina, Colombia, Cuba, Ecuador, Egypt, Guatemala, Mexico, Niger,
Philippines and Timor-Leste: draft resolution

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The General Assembly,

Guided by the basic instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights¹ and other relevant human rights instruments, and reaffirming the obligation of States to promote and protect human rights and fundamental freedoms,

Recalling its resolution 45/158 of 18 December 1990, by which it adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Recalling also the entry into force of the Convention on 1 July 2003,

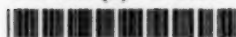
Considering that in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,² all States are urged to guarantee the protection of the human rights of all migrant workers and their families and are invited to consider the possibility of signing and ratifying the Convention at the earliest possible time,

Bearing in mind the principles and norms established within the framework of the International Labour Organization and the importance of the work done in connection with migrant workers and members of their families in other specialized agencies and in various organs of the United Nations,

Conscious of the marked increase in migratory movements that has occurred, especially in certain parts of the world,

¹ Resolution 217 A (III).

² A/CONF.157/24 (Part I), chap. III.



Deeply concerned at the manifestations of violence, racism, racial discrimination, xenophobia and other forms of intolerance and inhuman and degrading treatment directed against migrants in various parts of the world,

Recognizing the urgent need to make further efforts worldwide to improve the situation and to guarantee respect for the human rights and dignity of all migrant workers and members of their families, and aware of the important contribution of the Convention in this regard,

1. *Welcomes* the signature or ratification of or accession to the International Convention on the Protection of the Rights of all Migrant Workers and Their Families by additional States, and takes note of the report of the Secretary-General on the status of the Convention;³

2. *Calls upon* all Member States that have not yet done so to consider urgently signing and ratifying or acceding to the Convention, with the aim of achieving a broader participation by Member States in the Convention;

3. *Welcomes* the establishment of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as the report of its first session,⁴ which took place from 1 to 5 March 2004, and takes note of the rules of procedure⁵ adopted by the Committee;

4. *Requests* the Secretary-General to continue providing all the necessary facilities and assistance for the effective functioning of the Committee;

5. *Invites* the Committee to take into account the work done by other human rights treaty bodies and special procedures of the Commission on Human Rights to protect and promote the human rights of migrant workers, as well as the work of other international forums and other parts of the United Nations system in addressing issues of international migration;

6. *Also invites* the Committee to take into account the efforts of other human rights committees to improve their methods of work and to avoid any duplication;

7. *Calls upon* States parties to the Convention to submit in due time their first periodic report, as requested in article 73 of the Convention;

8. *Invites* States parties to the Convention to consider making the declarations foreseen in articles 76 and 77 of the Convention;

9. *Requests* the Secretary-General to provide all the facilities and assistance necessary for the active promotion of the Convention through the programme of advisory services and technical cooperation in the field of human rights;

10. *Welcomes* the increasing activities undertaken by the organizations and bodies of the United Nations system and intergovernmental and non-governmental organizations to disseminate information on and promote understanding of the importance of the Convention, and invites them to intensify further their efforts in this regard;

³ A/59/328.

⁴ *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 48 (A/59/48).*

⁵ *Ibid.*, annex IV.

11. *Also welcomes* the work of the Special Rapporteur of the Commission on Human Rights on the human rights of migrants in relation to the Convention, and encourages her to persevere in her efforts;

12. *Requests* the Secretary-General to submit an updated report on the status of the Convention to the General Assembly at its sixty-first session.



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Agenda item 105 (a)

**Human rights questions: implementation of
human rights instruments**

**Algeria, Angola, Bangladesh, Belarus, Cuba, Democratic Republic of the Congo,
Eritrea, Iran (Islamic Republic of), Mauritania, Nicaragua, Nigeria, Saudi
Arabia, South Africa, Syrian Arab Republic and Viet Nam: draft resolution**

Equitable geographical distribution in the membership of the human rights treaty bodies

The General Assembly,

Recalling its resolution 56/146 of 19 December 2001,

Reaffirming the importance of the goal of universal ratification of the United Nations human rights instruments,

Welcoming the significant increase in the number of ratifications of United Nations human rights instruments, which has especially contributed to their universality,

Reiterating the importance of the effective functioning of treaty bodies established pursuant to United Nations human rights instruments for the full and effective implementation of those instruments,

Recalling that, with regard to the election of the members of the human rights treaty bodies, the Commission on Human Rights and the General Assembly have recognized the importance of giving consideration in their membership to equitable geographical distribution, gender balance and representation of the principal legal systems, and of bearing in mind that the members shall be elected and shall serve in their personal capacity, and shall be of high moral character, acknowledged impartiality and recognized competence in the field of human rights,

Reaffirming the significance of national and regional particularities and various historical, cultural and religious backgrounds, as well as of different political, economic and legal systems,



Recognizing that the United Nations pursues multilingualism as a means of promoting, protecting and preserving diversity of languages and cultures globally and that genuine multilingualism promotes unity in diversity and international understanding,

Recalling also that the Commission on Human Rights and the General Assembly have encouraged States parties to United Nations human rights treaties, individually and through meetings of States parties, to consider how to give better effect, inter alia, to the principle of equitable geographical distribution in the membership of treaty bodies,

Expressing concern at the regional imbalance in the current composition of the membership of some of the human rights treaty bodies,

Noting in particular that the status quo tends to be particularly detrimental to the election of experts from some regional groups,

Convinced that the goal of equitable geographical distribution in the membership of human rights treaty bodies is perfectly compatible and can be fully realized and achieved in harmony with the need to ensure gender balance and the representation of the principal legal systems in those bodies and the high moral character, acknowledged impartiality and recognized competence in the field of human rights of their members,

1. *Encourages* States parties to the United Nations human rights instruments to adopt concrete actions, inter alia, the possible establishment of quota distribution systems by geographical region for the election of the members of the treaty bodies, thereby ensuring the paramount objective of equitable geographical distribution in the membership of those human rights bodies;

2. *Calls upon* the States parties to the United Nations human rights instruments to include, as an agenda item at their forthcoming meetings, a debate on ways and means to ensure equitable geographical distribution in the membership of the human rights treaty bodies, based on the recommendations of the Commission on Human Rights and the Economic and Social Council and the provisions of the present resolution;

3. *Recommends*, when considering the possible establishment of a quota by regions for the election of membership of each treaty body, the introduction of flexible procedures that encompass the following criteria:

(a) Each of the five regional groups established by the General Assembly must be assigned a quota of the membership of each treaty body in equivalent proportion to the number of States parties to the instrument that it represents,

(b) There must be provision for periodic revisions that reflect the relative changes in the geographical distribution of States parties,

(c) Automatic periodic revisions should be envisaged in order to avoid amending the text of the instrument when the quotas are revised;

4. *Stresses* that the process needed to achieve the goal of equitable geographical distribution in the membership of human rights treaty bodies can contribute to raising awareness of the importance of gender balance, the representation of the principal legal systems and the principle that the members of the treaty bodies shall be elected and shall serve in their personal capacity, and shall

be of high moral character, acknowledged impartiality and recognized competence in the field of human rights;

5. *Requests* the chairpersons of the human rights treaty bodies to consider at their next meeting the content of the present resolution and to submit, through the United Nations High Commissioner for Human Rights, specific recommendations for the achievement of the goal of equitable geographical distribution in the membership of the human rights treaty bodies;

6. *Requests* the United Nations High Commissioner for Human Rights to submit concrete recommendations on the implementation of the present resolution to the General Assembly at its sixtieth session;

7. *Decides* to continue its consideration of this question at its sixtieth session under the item entitled "Human rights questions: implementation of human rights instruments".



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Agenda item 105 (a)

Human rights questions: implementation of human rights instruments

Argentina, Australia, Austria, Belgium, Bulgaria, Chile, Costa Rica, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Estonia, Finland, Germany, Greece, Guatemala, Hungary, Ireland, Latvia, Liechtenstein, Luxembourg, Mexico, Netherlands, Nicaragua, Norway, Panama, Peru, Poland, Romania, San Marino, Slovakia, Slovenia, South Africa, Sweden, Switzerland, Timor-Leste, Turkey, United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela: draft resolution

Torture and other cruel, inhuman or degrading treatment or punishment

The General Assembly,

Recalling that the prohibition of torture is a peremptory norm of international law and that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right that must be protected under all circumstances, including in times of internal or international disturbance or armed conflict, and that the prohibition of torture is explicitly affirmed in all relevant international instruments,

Recalling also the definition of torture contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,¹

Recalling further the recommendation contained in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993² that high priority be given to providing the necessary resources to assist victims of torture and effective remedies for their physical, psychological and social rehabilitation, inter alia, through additional contributions to the United Nations Voluntary Fund for Victims of Torture, and noting with satisfaction the existence of a considerable international network of centres for the rehabilitation of victims of torture,

¹ Resolution 39/46, annex.

² A/CONF.157/24 (Part I), chap. III.



Commending the persistent efforts by non-governmental organizations to combat torture and to alleviate the suffering of victims of torture,

1. *Condemns all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all Governments to give full effect to the prohibition of torture and other cruel, inhuman or degrading treatment or punishment;*

2. *Condemns in particular any action or attempt by States or public officials to legalize or authorize torture and other cruel, inhuman or degrading treatment or punishment under any circumstances, including on grounds of national security or through judicial decisions, and calls upon Governments to eliminate any practices of torture and other cruel, inhuman or degrading treatment or punishment;*

3. *Urges Governments to take effective measures to prevent torture and other cruel, inhuman or degrading treatment or punishment, including their gender-based manifestations;*

4. *Stresses that all allegations of torture or other cruel, inhuman or degrading treatment or punishment must be promptly and impartially examined by the competent national authority, that those who encourage, order, tolerate or perpetrate acts of torture must be held responsible and severely punished, including the officials in charge of the place of detention where the prohibited act is found to have been committed, and takes note in this respect of the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Principles)³ as a useful tool in efforts to combat torture;*

5. *Stresses that all acts of torture must be made offences under domestic criminal law, and emphasizes that acts of torture are serious violations of international humanitarian law and can constitute crimes against humanity and war crimes and that the perpetrators of all acts of torture must be prosecuted and punished;*

6. *Stresses also that States must not punish personnel who are involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment for not obeying orders to commit or conceal acts amounting to torture or other cruel, inhuman or degrading treatment or punishment;*

7. *Emphasizes that States must not expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he/she would be in danger of being subjected to torture and other cruel, inhuman or degrading treatment or punishment;*

8. *Stresses that national legal systems must ensure that victims of torture and cruel, inhuman or degrading treatment or punishment obtain redress, are awarded fair and adequate compensation and receive appropriate social and medical rehabilitation, urges Governments to take effective measures to this end, and in this regard encourages the development of rehabilitation centres;*

³ E-resolution 55/89, annex.

9. *Calls upon* all Governments to take appropriate effective legislative, administrative, judicial and other measures to prevent and prohibit the production, trade, export and use of equipment that is specifically designed to inflict torture or other cruel, inhuman or degrading treatment;

10. *Notes with appreciation* that one hundred and thirty-six States have become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,⁴ and urges all States that have not yet done so to become parties to the Convention as a matter of priority;

11. *Invites* all States parties to the Convention that have not yet done so to consider making the declarations provided for in articles 21 and 22 of the Convention and to consider the possibility of withdrawing their reservations to article 20, and urges all States parties to the Convention to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

12. *Urges* States parties to comply strictly with their obligations under the Convention, including, in view of the high number of reports not submitted, their obligation to submit reports in accordance with article 19 of the Convention, and invites States parties to incorporate a gender perspective and information concerning children and juveniles when submitting reports to the Committee against Torture;

13. *Calls upon* States parties to consider as a matter of priority signing and ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 57/199 of 18 December 2002, which provides further measures for use in the fight against and prevention of torture, and notes in this context that ratifications by twenty States parties are required for the Optional Protocol to enter into force;

14. *Welcomes* the work of the Committee against Torture and the report of the Committee,⁴ submitted in accordance with article 24 of the Convention;

15. *Calls upon* the United Nations High Commissioner for Human Rights, in conformity with her mandate established by the General Assembly in its resolution 48/141 of 20 December 1993, to continue to provide, at the request of Governments, advisory services for the preparation of national reports to the Committee and for the prevention of torture, as well as technical assistance in the development, production and distribution of teaching material for this purpose;

16. *Urges* States parties to take fully into account the conclusions and recommendations made by the Committee after its consideration of their reports;

17. *Welcomes* the interim report of the Special Rapporteur of the Commission on Human Rights on the question of torture,⁵ describing the overall trends and developments with regard to his mandate, and encourages the Special Rapporteur to continue to include in his recommendations proposals on the prevention and investigation of torture, including their gender-based manifestations,

⁴ Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 44 (A/59/44).

⁵ A/59/324.

and to consider including information on the follow-up by Governments to his recommendations, visits and communications, including progress made and problems encountered;

18. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in the performance of his task, to supply all necessary information requested by the Special Rapporteur, to respond appropriately and expeditiously to his urgent appeals and to give serious consideration to responding favourably to requests by the Special Rapporteur to visit their countries, and urges them to enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to his recommendations;

19. *Stresses* the need for the continued regular exchange of views among the Committee, the Special Rapporteur and other relevant United Nations mechanisms and bodies, as well as for the pursuance of cooperation with relevant United Nations programmes, notably the United Nations Crime Prevention and Criminal Justice Programme, with a view to enhancing further their effectiveness and cooperation on issues relating to torture, inter alia, by improving their coordination;

20. *Expresses its gratitude and appreciation* to the Governments, organizations and individuals that have already contributed to the United Nations Voluntary Fund for Victims of Torture;⁶

21. *Stresses* the importance of the work of the Board of Trustees of the Fund, and appeals to all Governments and organizations to contribute annually to the Fund, preferably by 1 March before the annual meeting of the Board, if possible with a substantial increase in the level of contributions;

22. *Requests* the Secretary-General to transmit to all Governments the appeals of the General Assembly for contributions to the Fund, to continue to include the Fund on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities and to assist the Board of Trustees of the Fund in its appeal for contributions and in its efforts to make better known the existence of the Fund;

23. *Also requests* the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of adequate staff and facilities for the bodies and mechanisms involved in combating torture and assisting victims of torture, commensurate with the strong support expressed by Member States for combating torture and assisting victims of torture;

24. *Further requests* the Secretary-General to submit to the Commission on Human Rights at its sixty-first session and to the General Assembly at its sixtieth session a report on the status of the Convention and a report on the operations of the Fund;

25. *Calls upon* all Governments, the Office of the United Nations High Commissioner for Human Rights and other United Nations bodies and agencies, as well as relevant intergovernmental and non-governmental organizations, to commemorate, on 26 June, the United Nations International Day in Support of Victims of Torture;

⁶ See A/58/284; see also A/59/353.

26. *Decides* to consider at its sixtieth session the reports of the Secretary-General, including the report on the United Nations Voluntary Fund for Victims of Torture, the report of the Committee against Torture and the interim report of the Special Rapporteur of the Commission on Human Rights on the question of torture.



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Agenda item 105 (a)

Human rights questions: implementation of human rights instruments

Andorra, Argentina, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Mozambique, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, San Marino, Senegal, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Venezuela: revised draft resolution

Torture and other cruel, inhuman or degrading treatment or punishment

The General Assembly,

Recalling that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right that must be protected under all circumstances, including in times of internal or international disturbance or armed conflict, and that the prohibition of torture is explicitly affirmed in all relevant international instruments,

Recalling also that a number of international, regional and domestic courts, including the International Tribunal for the Former Yugoslavia, have recognized that the prohibition of torture is a peremptory norm of international law,

Recalling further the definition of torture contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,¹

¹ Resolution 39/46, annex.



Recalling the recommendation contained in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993² that high priority be given to providing the necessary resources to assist victims of torture and effective remedies for their physical, psychological and social rehabilitation, inter alia, through additional contributions to the United Nations Voluntary Fund for Victims of Torture, and noting with satisfaction the existence of a considerable international network of centres for the rehabilitation of victims of torture,

Commending the persistent efforts by non-governmental organizations to combat torture and to alleviate the suffering of victims of torture,

1. *Condemns* all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all Governments to implement fully the prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

2. *Condemns in particular* any action or attempt by States or public officials to legalize or authorize torture and other cruel, inhuman or degrading treatment or punishment under any circumstances, including on grounds of national security or through judicial decisions, and calls upon Governments to eliminate any practices of torture and other cruel, inhuman or degrading treatment or punishment;

3. *Urges* Governments to take effective measures to prevent torture and other cruel, inhuman or degrading treatment or punishment, including their gender-based manifestations;

4. *Stresses* that all allegations of torture or other cruel, inhuman or degrading treatment or punishment must be promptly and impartially examined by the competent national authority, that those who encourage, order, tolerate or perpetrate acts of torture must be held responsible and severely punished, including the officials in charge of the place of detention where the prohibited act is found to have been committed, and takes note in this respect of the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Principles)³ as a useful tool in efforts to combat torture;

5. *Stresses* that all acts of torture must be made offences under domestic criminal law, and emphasizes that acts of torture are serious violations of international humanitarian law and can constitute crimes against humanity and war crimes and that the perpetrators of all acts of torture must be prosecuted and punished;

6. *Urges* States to ensure that any statement that is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made;

² A/CONF.157/24 (Part I), chap. III.

³ Resolution 55/89, annex.

7. *Stresses* that States must not punish personnel who are involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment for not obeying orders to commit or conceal acts amounting to torture or other cruel, inhuman or degrading treatment or punishment;

8. *Recalls* that States shall not expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that the person would be in danger of being subjected to torture;

9. *Stresses* that national legal systems must ensure that victims of torture and cruel, inhuman or degrading treatment or punishment obtain redress, are awarded fair and adequate compensation and receive appropriate social and medical rehabilitation, urges Governments to take effective measures to this end, and in this regard encourages the development of rehabilitation centres;

10. *Calls upon* all Governments to take appropriate effective legislative, administrative, judicial and other measures to prevent and prohibit the production, trade, export and use of equipment that is specifically designed to inflict torture or other cruel, inhuman or degrading treatment;

11. *Notes with appreciation* that one hundred and thirty-eight States have become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,⁴ and urges all States that have not yet done so to become parties to the Convention as a matter of priority;

12. *Invites* all States parties to the Convention that have not yet done so to consider making the declarations provided for in articles 21 and 22 of the Convention and to consider the possibility of withdrawing their reservations to article 20, and urges all States parties to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

13. *Urges* States parties to comply strictly with their obligations under the Convention, including, in view of the high number of reports not submitted, their obligation to submit reports in accordance with article 19 of the Convention, and invites States parties to incorporate a gender perspective and information concerning children and juveniles when submitting reports to the Committee against Torture;

14. *Calls upon* States parties to give early consideration to signing and ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was adopted on 18 December 2002 by the General Assembly in its resolution 57/199 and which provides further measures for use in the fight against and prevention of torture, and notes in this context that ratifications by twenty States parties are required for the Optional Protocol to enter into force;

15. *Welcomes* the work of the Committee against Torture and the report of the Committee,⁴ submitted in accordance with article 24 of the Convention;

16. *Calls upon* the United Nations High Commissioner for Human Rights, in conformity with her mandate established by the General Assembly in its resolution 48/141 of 20 December 1993, to continue to provide, at the request of Governments, advisory services for the preparation of national reports to the Committee and for

⁴ Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 44 (A/59/44).

the prevention of torture, as well as technical assistance in the development, production and distribution of teaching material for this purpose;

17. *Urges* States parties to take fully into account the conclusions and recommendations made by the Committee after its consideration of their reports;

18. *Notes with appreciation* the interim report of the Special Rapporteur of the Commission on Human Rights on the question of torture⁵ on the overall trends and developments with regard to his mandate, and encourages the Special Rapporteur to continue to include in his recommendations proposals on the prevention and investigation of torture, including their gender-based manifestations;

19. *Requests* the Special Rapporteur to continue to consider including in his report information on the follow-up by Governments to his recommendations, visits and communications, including progress made and problems encountered;

20. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in the performance of his task, to supply all necessary information requested by the Special Rapporteur, to respond appropriately and expeditiously to his urgent appeals and to give serious consideration to responding favourably to requests by the Special Rapporteur to visit their countries, and urges them to enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to his recommendations;

21. *Stresses* the need for the continued regular exchange of views among the Committee, the Special Rapporteur and other relevant United Nations mechanisms and bodies, as well as for the pursuance of cooperation with relevant United Nations programmes, notably the United Nations Crime Prevention and Criminal Justice Programme, with a view to enhancing further their effectiveness and cooperation on issues relating to torture, inter alia, by improving their coordination;

22. *Expresses its gratitude and appreciation* to the Governments, organizations and individuals that have already contributed to the United Nations Voluntary Fund for Victims of Torture;⁶

23. *Stresses* the importance of the work of the Board of Trustees of the Fund, and appeals to all Governments and organizations to contribute annually to the Fund, preferably by 1 March before the annual meeting of the Board, if possible with a substantial increase in the level of contributions;

24. *Requests* the Secretary-General to transmit to all Governments the appeals of the General Assembly for contributions to the Fund, to continue to include the Fund on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities and to assist the Board of Trustees of the Fund in its appeal for contributions and in its efforts to make better known the existence of the Fund;

25. *Also requests* the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of adequate staff and facilities for the bodies and mechanisms involved in combating torture and assisting victims of torture, commensurate with the strong support expressed by Member States for combating torture and assisting victims of torture;

⁵ A/59/324.

⁶ See A/58/284; see also A/59/353.

26. *Further requests* the Secretary-General to submit to the Commission on Human Rights at its sixty-first session and to the General Assembly at its sixtieth session a report on the status of the Convention and a report on the operations of the Fund;

27. *Calls upon* all Governments, the Office of the United Nations High Commissioner for Human Rights and other United Nations bodies and agencies, as well as relevant intergovernmental and non-governmental organizations, to commemorate, on 26 June, the United Nations International Day in Support of Victims of Torture;

28. *Decides* to consider at its sixtieth session the reports of the Secretary-General, including the report on the United Nations Voluntary Fund for Victims of Torture, the report of the Committee against Torture and the interim report of the Special Rapporteur of the Commission on Human Rights on the question of torture.



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Third Committee

Agenda item 105 (b)

**Human rights questions: human rights questions, including
alternative approaches for improving the effective enjoyment
of human rights and fundamental freedoms**

**Angola, Burundi, Cameroon, Central African Republic, Chad, Congo,
Democratic Republic of the Congo, Equatorial Guinea, Gabon, Rwanda and
Sao Tome and Principe: draft resolution**

**Subregional Centre for Human Rights and Democracy in
Central Africa**

The General Assembly,

Recalling its resolution 55/105 of 4 December 2000, concerning regional arrangements for the promotion and protection of human rights,

Recalling also its resolution 58/176 of 22 December 2003 on the Subregional Centre for Human Rights and Democracy in Central Africa,

Recalling further its resolutions 55/34 B of 20 November 2000 and 55/233 of 23 December 2000 and section III of its resolution 55/234 of 23 December 2000,

Recalling that the World Conference on Human Rights recommended that more resources be made available for the strengthening of regional arrangements for the promotion and protection of human rights under the programme of technical cooperation in the field of human rights of the Office of the United Nations High Commissioner for Human Rights,¹

Recalling also the report of the United Nations High Commissioner for Human Rights,²

Taking note of the holding of the twenty-first ministerial meeting of the United Nations Standing Advisory Committee on Security Questions in Central Africa, in Malabo, from 21 to 25 June 2004,

¹ See A/CONF.157/24 (Part I), chap. III.

² *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 36 and corrigendum (A/56/36 and Corr.1 and Add.1).*



1. *Welcomes* the activities of the Subregional Centre for Human Rights and Democracy in Central Africa at Yaoundé;
2. *Notes with satisfaction* the support provided for the establishment of the Centre by the host country;
3. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide adequate assistance for the proper functioning of the Centre;
4. *Requests* the Secretary-General to submit to the General Assembly at its sixtieth session a report on the implementation of the present resolution.



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Third Committee**

Agenda item 105 (b)

**Human rights questions: Human rights questions, including
alternative approaches for improving the effective enjoyment
of human rights and fundamental freedoms**

**Afghanistan, Azerbaijan, Bangladesh, Burkina Faso, China, Congo, Cuba,
Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Ghana, Indonesia,
Iran (Islamic Republic of), Libyan Arab Jamahiriya, Malaysia, Mauritius,
Morocco, Namibia, Pakistan, Saudi Arabia, South Africa, Sudan, Syrian Arab
Republic, Togo, Uganda, United Arab Emirates and Zimbabwe: draft resolution**

**Globalization and its impact on the full enjoyment of all
human rights**

The General Assembly,

*Guided by the purposes and principles of the Charter of the United Nations,
and expressing in particular the need to achieve international cooperation in
promoting and encouraging respect for human rights and fundamental freedoms for
all without distinction,*

*Recalling the Universal Declaration of Human Rights,¹ as well as the Vienna
Declaration and Programme of Action adopted by the World Conference on Human
Rights on 25 June 1993,²*

*Recalling also the International Covenant on Civil and Political Rights³ and
the International Covenant on Economic, Social and Cultural Rights,³*

*Recalling further the Declaration on the Right to Development adopted by the
General Assembly in its resolution 41/128 of 4 December 1986,*

*Recalling the United Nations Millennium Declaration⁴ and the outcome
documents of the twenty-third⁵ and twenty-fourth⁶ special sessions of the General*

¹ Resolution 217 A (III).

² A/CONF.157/24 (Part I), chap. III.

³ See resolution 2200 A (XXI), annex.

⁴ See resolution 55/2.

⁵ Resolution S-23/2, annex, and resolution S-23/3, annex.

⁶ Resolution S-24/2, annex.



Assembly, held, respectively, in New York from 5 to 10 June 2000 and in Geneva from 26 June to 1 July 2000,

Recalling also its resolution 58/193 of 22 December 2003,

Recalling further Commission on Human Rights resolution 2004/24 of 16 April 2004 on globalization and its impact on the full enjoyment of human rights,⁷

Recognizing that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Realizing that globalization affects all countries differently and makes them more exposed to external developments, positive as well as negative, inter alia, in the field of human rights,

Realizing also that globalization is not merely an economic process, but that it also has social, political, environmental, cultural and legal dimensions, which have an impact on the full enjoyment of all human rights,

Realizing further the need to undertake a thorough, independent and comprehensive assessment of the social, environmental and cultural impact of globalization on societies,

Recognizing in each culture a dignity and value that deserve recognition, respect and preservation, and convinced that, in their rich variety and diversity and in the reciprocal influences that they exert on one another, all cultures form part of the common heritage belonging to all humankind, and aware that the risk of a global monoculture poses more of a threat if the developing world remains poor and marginalized,

Recognizing also that multilateral mechanisms have a unique role to play in meeting the challenges and opportunities presented by globalization,

Expressing concern at the negative impact of international financial turbulence on social and economic development and on the full enjoyment of all human rights,

Deeply concerned that the widening gap between the developed and the developing countries, and within countries, has contributed, inter alia, to deepening poverty and has adversely affected the full enjoyment of all human rights, in particular in developing countries,

Noting that human beings strive for a world that is respectful of human rights and cultural diversity and that, in this regard, they work to ensure that all activities, including those affected by globalization, are consistent with those aims,

1. *Recognizes that, while globalization, by its impact on, inter alia, the role of the State, may affect human rights, the promotion and protection of all human rights is first and foremost the responsibility of the State;*

2. *Reaffirms that narrowing the gap between rich and poor, both within and between countries, is an explicit goal at the national and international levels, as part of the effort to create an enabling environment for the full enjoyment of all human rights;*

⁷ See *Official Records of the Economic and Social Council, 2004, Supplement No. 3 (E/2004/23)*, chap. II, sect. A.

3. *Reaffirms also* the commitment to creating an environment at both the national and the global level that is conducive to development and to the elimination of poverty through, inter alia, good governance within each country and at the international level, transparency in the financial, monetary and trading systems and commitment to an open, equitable, rule-based, predictable and non-discriminatory multilateral trading and financial system;

4. *Recognizes* that, while globalization offers great opportunities, the fact that its benefits are very unevenly shared and its costs unevenly distributed represents an aspect of the process that affects the full enjoyment of all human rights, in particular in developing countries;

5. *Welcomes* the report of the United Nations High Commissioner for Human Rights,⁸ which focuses on the liberalization of agricultural trade and its impact on the realization of the right to development, including the right to food, and takes note of the conclusions and recommendations contained therein;

6. *Calls upon* Member States, relevant agencies of the United Nations system, intergovernmental organizations and civil society to promote equitable and environmentally sustainable economic growth for managing globalization, so that poverty is systematically reduced and the international development targets are achieved;

7. *Recognizes* that only through broad and sustained efforts, including policies and measures at the global level to create a shared future based upon our common humanity in all its diversity, can globalization be made fully inclusive and equitable and have a human face, thus contributing to the full enjoyment of all human rights;

8. *Underlines* the urgent need to establish an equitable, transparent and democratic international system in which poor people and countries have a more effective voice;

9. *Affirms* that globalization is a complex process of structural transformation, with numerous interdisciplinary aspects, which has an impact on the enjoyment of civil, political, economic, social and cultural rights, including the right to development;

10. *Affirms also* that the international community should strive to respond to the challenges and opportunities posed by globalization in a manner that ensures respect for the cultural diversity of all;

11. *Underlines, therefore,* the need to continue to analyse the consequences of globalization for the full enjoyment of all human rights;

12. *Takes note* of the report of the Secretary-General,⁹ and requests the Secretary-General to seek further the views of Member States and relevant agencies of the United Nations system and to submit a substantive report on this subject to the General Assembly at its sixtieth session.

⁸ E/CN.4/2002/54.

⁹ A/59/320.